IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 2303 of 2005

Between:

1 B. Srinivasa Rao, S/o. Venkateshwara Rao,
R/o. Chinnapuram (V), Machilipatnam Mandal, Krishna District.
2 V. Sivarama Krishna Prasad, S/o. Nancharaiah,
R/o. Chinnapuram (V), Machilipatnam Mandal, Krishna District.

..... PETITIONERS

AND

1 The District Collector, Machilipatnam, Krishna District.
2 The Revenue Divisional Officer, Machilipatnam, Krishna District.
3 The District Panchayat Officer, Machilipatnam, Krishna District.
4 The Secretary, Chinnapuram Gram Panchayat, Machilipatnam, Krishna District.
5 The Sarpanch, Chinnapuram Gram Panchayat, Machilipatnam, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent authorities 1 to 3 in not taking action against the respondents 4 and 5, as illegal, arbitrary, un-constitutional, and consequently direct the respondent authorities 1 to 3 to take action against the respondents 4 & 5 in pursuance of the proceedings of the 2nd respondent vide Rc.No. B.1936/2004, dated 7-10-2004, and to pass such other order or orders.

Counsel for the Petitioner: MR.J.SREENIVASA RAO

Counsel for the Respondent Nos 1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION No.2303 of 2005

ORDER:

This writ petition is filed aggrieved by the alleged inaction on the part of the respondents 1 to 3 in taking action against the respondents 4 and 5 in pursuance of the proceedings of the 2nd respondent-Revenue Divisional Officer, dated 07.10.2004 for misutilizing their powers and thereby causing damage to the Government properties.

A perusal of the proceedings dated 07.10.2004 shows that basing on the report of the Mandal Revenue Officer, dated 15.7.2004, the Revenue Divisional Officer requested the District Panchayat Officer, Machilipatnam, Krishna District to take appropriate steps against the respondents 4 and 5. It is for the concerned officials to take necessary further steps and on the basis of the averments in the affidavit filed in support of the writ petition, absolutely no case is made out to show that the 3rd respondent has acted in breach of any statutory obligation. On the face of it, the matter does not involve enforcement of any legal right accrued in favour of the petitioners.

The Writ Petition is misconceived and accordingly the same is dismissed. No order as to costs.

11th February, 2005

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Copy to:

1. The District Collector, Machilipatnam, Krishna District.
2. The RevenueDivisional Officer, Machilipatnam, Krishna District.

3. The District Panchayat Officer, Machilipatnam, Krishna District.

4. The Secretary, Chinnapuram Grampanchayat, Machilipatnam, Krishna District.

5. The Sarpanch, Chinnapuram Grampanchayat, Machilipatnam, Krishna District.

6. Two C.Cs to the Government Pleader, Panchayat Raj & Rural Development, High Court Buildings, High Court of A.P., Hyderabad. (O.U.T.)

7. Two C.D. Copies.